

111TH CONGRESS
1ST SESSION

S. 291

To provide for certain requirements related to the closing of the Guantanamo Bay detention facility.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 2009

Mr. BROWNBACK (for himself, Mr. ROBERTS, and Mr. BOND) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To provide for certain requirements related to the closing of the Guantanamo Bay detention facility.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Guantanamo Bay De-
5 tention Facility Safe Closure Act of 2009”.

6 **SEC. 2. REQUIREMENTS FOR CLOSING GUANTANAMO BAY**
7 **DETENTION FACILITY.**

8 (a) NOTIFICATION REQUIREMENT.—The President
9 shall notify the congressional defense committees at least
10 90 days before taking any action associated with the clo-

1 sure of the Department of Defense detention facility at
2 Guantanamo Bay, Cuba, and the subsequent transfer of
3 any persons detained at that facility to a new detention
4 facility in the United States.

5 (b) STUDY.—The notification under subsection (a)
6 shall include the submission to the congressional defense
7 committees of a study of the feasibility of closing the De-
8 partment of Defense detention facility at Guantanamo
9 Bay, Cuba. The study shall address the legal ramifications
10 and the security, infrastructure, and other support re-
11 quirements associated with closing the detention facility
12 and transferring persons to a new detention facility in the
13 United States, including an assessment of the following:

14 (1) The available space at a new detention facil-
15 ity.

16 (2) The ability to separate persons transferred
17 to a new detention facility from any other individ-
18 uals already detained at such facility.

19 (3) The number of security guards and support
20 personnel required to undertake the detention of
21 persons transferred to a new detention facility and
22 a description of the barracks and other facilities nec-
23 essary for such security guards and support per-
24 sonnel.

1 (4) The nature and cost of any security en-
 2 hancements to an existing military installation that
 3 might be chosen to host a new detention facility.

4 (5) A comparison of the costs described in
 5 paragraph (4) with the estimated costs of con-
 6 structing a new detention facility that is physically
 7 separate from any existing military installation or ci-
 8 vilian prison.

9 (6) The advisability of expending the funds de-
 10 scribed in paragraphs (4) and (5) in light of the
 11 prior obligation and expenditure of amounts for the
 12 detention facility at Guantanamo Bay, Cuba.

13 (7) The proximity of a new detention facility
 14 to—

15 (A) private land;

16 (B) civilian populations; and

17 (C) other military activities (if a new de-
 18 tention facility is or would be located on or near
 19 an existing military installation).

20 (8) The degree to which a new detention facility
 21 must be self-contained, including the existence of—

22 (A) on-site medical facilities available 24
 23 hours per day;

24 (B) dedicated fire fighting capabilities;

25 (C) space for legal proceedings; and

1 (D) recreational facilities comparable to
2 those available at the detention facility at
3 Guantanamo Bay, Cuba.

4 (9) The advisability of performing interroga-
5 tions of persons transferred to the new detention fa-
6 cility.

7 (10) The potential that persons transferred to
8 the new detention facility may be detained indefi-
9 nitely.

10 (11) The impact that a new detention facility,
11 if established on an existing military installation,
12 would have on ongoing military activities at such in-
13 stallation.

14 (12) The suitability for purposes of handling
15 detainees of any military installation or other facility
16 owned by the United States that has been closed or
17 is scheduled to be closed under the defense base clo-
18 sure and realignment process.

19 (13) The possibility of transferring detainees to
20 United States military installations located outside
21 the United States or to the custody of foreign gov-
22 ernments.

23 (c) RELOCATION PLAN.—The notification required
24 under subsection (a) shall include a plan to relocate the
25 persons detained at the detention facility in Guantanamo

1 Bay, Cuba, that is fully consistent with the results of the
2 study conducted pursuant to subsection (b).

3 (d) CONGRESSIONAL DEFENSE COMMITTEES DE-
4 FINED.—In this section, the term “congressional defense
5 committees” means—

6 (1) the Committee on Armed Services and the
7 Committee on Appropriations of the Senate; and

8 (2) the Committee on Armed Services and the
9 Committee on Appropriations of the House of Rep-
10 resentatives.

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